

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION

MINDY GILSTER, Plaintiff, v. PRIMEBANK, PRIMEBANK, INC. and JOSEPH STRUB, Defendants.	No. 5:10-cv-04084-MWB PLAINTIFF'S MOTION FOR ATTORNEYS' FEES AND EXPENSES
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COMES NOW the Plaintiff, Mindy Gilster, and hereby applies for attorneys' fees and expenses in the above referenced matter.

1. Plaintiff filed this action on September 1, 2010, under Title VII of the Civil Rights Act of 1964 and the Iowa Civil Rights Act, challenging Defendants' sexual harassment and retaliation against her.

2. Both parties proceeded with extensive discovery including numerous interviews and depositions of various present and former employees of Defendants.

3. Plaintiff took 17 depositions in this matter.

4. In addition to undertaking extensive written discovery, Plaintiff was also required on multiple occasions to contact opposing counsel in an effort to rectify deficient discovery responses and ultimately filed a Motion to Compel.

5. Attorneys' fees and expenses are recoverable pursuant to 42 U.S.C. § 2000e-5(k), Federal Rule of Civil Procedure 54(d), and Iowa Code Section 216.15(8)(a)(8).

6. Trial was held in this matter April 3 through April 11, 2012.

7. On April 11, 2012, the Jury reached a Verdict, finding for Plaintiff on all claims and awarding a total of \$870,150.61. The Jury awarded Plaintiff all of her lost wages and all of her medical expenses. The jury also awarded emotional distress damages in the amount of \$240,000 and punitive damages of \$600,000.

8. On April 18, 2012, the Court ordered Plaintiff to make a formal application for attorneys' fees.

9. Plaintiff is a prevailing party and entitled to attorneys' fees pursuant to the Iowa Civil Rights Act and under Title VII of the Civil Rights Act of 1964.

10. As the billing statements attached hereto as Exhibit 1 demonstrate, Plaintiff has incurred expenses totaling \$18,254.16, all of which are reasonable out-of-pocket expenses of the kind normally charged to clients of Plaintiff's attorneys' law firm. *See Door v. Weber*, 741 F.Supp. 2d 1022, 1037 (N.D. Iowa 2010) (citing *Pinkham v. Camex, Inc.*, 84 F.3d 292, 294 (8th Cir. 1996) (internal citations omitted)).

11. As the billing statements attached hereto as Exhibit 2 demonstrate, Gilster has incurred attorneys' fees totaling \$153,320 and legal assistant and law clerk fees of \$8,219.50.

ATTORNEY FEES EARNED

BROOKE TIMMER, Attorney	419.05 hours @ \$200	\$ 83,810.00
WHITNEY JUDKINS, Attorney	474.30 hours @ \$125	\$ 57,975.00
PAIGE FIEDLER, Attorney	26.6 hours @ \$375	\$ 9,975.00
EMILY MCCARTY, Attorney	10.4 hours @ \$150	\$ 1,560.00

LEGAL ASSISTANT & LAW CLERK FEES EARNED

ROBIN DAISY-JAHN, Legal Assistant	64.90 hours @ \$80	\$ 5,207.00
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KRISTIN ERDMAN, Legal Assistant	14.05 hours @ \$80	\$ 1,124.00
CHERYL SMITH, Legal Secretary	12.00 hours @ \$70	\$ 840.00
Law Clerk	11.65 hours @ \$90	\$ 1,048.50

Attorney Fees **\$ 153,320.00**

Legal Assistants & Law Clerk Fees: **\$ 8,219.50**

Costs & Expenses: **\$ 18,254.16**

TOTAL FEES & EXPENSES: \$ 179,083.66

12. The attorneys handling this matter on behalf of Gilster: Brooke Timmer, Whitney Judkins, Paige Fiedler and Emily McCarty, have submitted affidavits in support of the claim for attorneys' fees. *See* Exhibits 3, 4, 5, and 6.

13. Attorneys Katie Ervin Carlson, Roxanne Conlin, David Goldman, Melissa Hasso and Andy LeGrant, who are all familiar with normal and customary rates for legal services, particularly in the specialized area of plaintiffs' employment law, have submitted affidavits supporting the reasonableness of Plaintiff's requested attorneys' fees and expenses. *See* Exhibits 7, 8, 9, 10 and 11.

14. Given that Plaintiff prevailed on all of her claims and achieved significant success, Plaintiff asks the Court to award her the full amount of her attorney fees and expenses in accordance with the law.

WHEREFORE, Plaintiff respectfully requests that the Court grant her Motion for Attorneys' Fees and Expenses, as well as any other relief that it deems appropriate under the circumstances.

FIEDLER & TIMMER, P.L.L.C.

/s/ Brooke Timmer

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ATTORNEY FOR DEFENDANTS

ELECTRONIC PROOF OF SERVICE

I, hereby certify that on the 17th day of May, 2012, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system which sent notification of said filing to all CM/ECF participants.

Signature: /s/ Fiedler & Timmer